

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

JOSEPH ANTHONY WALKER,)	C/A 2:04-21933-DCN
)	
Petitioner,)	
)	<u>ORDER and OPINION</u>
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
_____)	

This matter is before the court pursuant to petitioner's "Motion for Relief from Judgement Under Federal Civil Procedure Rule 60(b)(6)" which was filed on December 6, 2005.

In his latest motion, Walker has raised no issue that has not previously been addressed by this court. Instead, he requests that this court render "written findings of fact and conclusions of law pursuant to unanswered claims one through three alleged [in] his valid §2255" claim.

Walker has specifically requested relief under Fed.R.Civ.P.60(b)(6) from this court's prior judgment entered against him on his 28 U.S.C. § 2255 petition. A motion for relief from judgment based upon "any other reason justifying relief from the operation of the judgment" may not be granted absent extraordinary circumstances. *Valero Terrestrial Corp. v. Paige*, 211 F.3d 112, 118 (4th Cir. 2000), *Reid v. Angelone*, 369 F.3d 363 (4th Cir. 2004), *Compton v Alton Steamship Co.*, 608 F.2d 96, 102 (4th Cir. 1979). In

this instance, petitioner has merely repeated claims previously addressed by this court, thus has established neither a meritorious claim under 28 U.S.C. § 2255 nor grounds for setting aside the judgment under Rule 60(b)(6).

THEREFORE, petitioner's Motion for Relief from Judgment Under Federal Rule of Civil Procedure 60(b)(6) is **DENIED**.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'D. Norton', is written over a horizontal line.

DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

Charleston, SC

December 28, 2005